

Mississippi Department of Child Protection Services

Rebuilding Period Order

Period 2 Report

October 1, 2022 – January 31, 2023



Issued: April 28, 2023

Olivia Y., et al. v. Reeves, et al. 2nd MSA Rebuilding Order - Period 2 Report

	Rebuilding Period Requirements	Due Date	Period 1 Report	Period 2 Report	Status (Met, Not Met, In Process)
2. Family-Based Placements					
2.a.	All foster homes and facilities with children placed who are in the custody of MDCPS shall be licensed subject to the licensure process approved by Public Catalyst. [§3.1]	1/31/2023	Since the start of the Rebuilding Period in October 2021, the Monitor reviewed a random sample of 60 non-relative foster home records. Fifty-five of the homes were licensed in accordance with MDCPS' approved licensure process. One home had improper weapon storage and three homes lacked some of the required documentation, i.e., home environment checklists, background checks, and/or medical forms, rendering the Monitor unable to assess whether safety issues existed in the home. One additional home did not have a home study entered in the MDCPS Licensure Library/SharePoint.	By the completion of the Rebuilding Period on January 31, 2023, the Monitor reviewed a random sample of 81 non-relative foster home records. Seventy four (91 percent) of the homes were licensed in accordance with MDCPS' approved licensure process. Seven homes (9 percent) were not timely licensed. Four of the seven homes did not meet additional licensing standards for the following reasons. One home had improper weapon storage and three homes lacked required documentation, i.e., home environment checklists, background checks and/or medical forms, rendering the Monitor unable to assess whether safety issues existed in the home.	Not Met
2.b.	Nonrelative Foster Homes: At least 90% of all foster homes with children placed who are in the custody of MDCPS shall be timely licensed as provided in the approved licensure process.	1/31/2023	Of the 60 homes in the random sample reviewed by the Monitor, 56 (93 percent) homes were licensed timely, meeting the Rebuilding Period standard, and three (5 percent) homes were not. The Monitor was unable to determine the timeliness to licensure for one home as the home study was not uploaded to the MDCPS Licensure Library/SharePoint. For the three homes not licensed timely, licensure was completed 11 to 25 days past the 120-day licensure requirement.	Seventy four (91 percent) of the 81 new homes reviewed by the Monitor were licensed timely, meeting the Rebuilding Period standard. For the remaining seven homes, licensure was completed from 11-32 days past the 120-day licensing requirement.	Met
2.b.1.	By the end of sixteen months, MDCPS shall recruit and license 486 additional foster homes. [§3.3]	1/31/2023	From the start of the Rebuilding Period in October 2021 through September 2022 MDCPS licensed 348 non-relative foster homes, 72 percent of the Rebuilding Period target of 486 licensed non-relative homes. MDCPS will need to license an average of thirty-five additional homes in each of the next four months in order to meet the January 31, 2023 target.	MDCPS achieved 97 percent of the Rebuilding Period standard by licensing 469 new non-relative homes. MDCPS needed to license 17 additional non-relative foster homes to meet the Rebuilding Order target. The Monitor reviewed a random sample of 81 of the newly licensed homes and found that 58 (72 percent) of the newly licensed families had accepted children for placement while 23 families (28 percent) had not. Eleven of the 23 families who had not accepted a placement had "inactive" status in MACWIS and one family had never accepted a placement with the home's status in MACWIS listed as "expired". The remaining 11 homes have an "active" MACWIS status and are listed as open to accepting children for placement.	Not Met

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2.c.	Defendants shall report to the Monitor on a monthly basis as to each subsection of this Section 2.	Monthly	MDCPS submitted the required monthly data to the Monitor during the reporting period.	MDCPS submitted the required monthly data to the Monitor during the reporting period.	Met
3. Child Safety and Maltreatment in Care					
3.a.	By the end of fifteen months, the Monitor will complete an assessment of the quality of the statewide system for receiving and screening allegations of abuse and neglect of children, including case sampling, and provide the assessment to the parties.	12/31/2022	Drafting of the assessment report is underway and the final report will be issued by December 31, 2022, as required.	The Monitor completed an assessment of the statewide system for receiving and screening allegations of abuse and neglect of children consistent with the requirements in Section 3.a of the Rebuilding Order. The Monitor's report was timely issued and submitted to the parties on December 12, 2022.	Met
3.b.	By the end of fifteen months, the Monitor will complete a review of a statistically significant sample of all maltreatment reports that are screened-out, and assess the appropriateness of the State's decision making.	12/31/2022	Drafting of the assessment report is underway and the final report will be issued by December 31, 2022, as required.	The Monitor completed an assessment of a statistically significant sample of all maltreatment reports that were screened-out consistent with the requirements of Section 3.b of the Rebuilding Order. The Monitor's report was timely issued and submitted to the parties on December 12, 2022.	Met
3.c.	By the end of thirteen months, the Monitor will complete a root cause analysis, based on a 95% confidence level, of substantiated maltreatment in care cases for calendar years 2019 and 2020.	10/31/2022	The Monitor completed the maltreatment in care root cause analysis report consistent with the requirements in Section 3.c of the Rebuilding Order. The Monitor's report was issued and submitted to the parties on October 28, 2022.	The Monitor completed the maltreatment in care root cause analysis report consistent with the requirements in Section 3.c of the Rebuilding Order. The Monitor's report was issued and submitted to the parties on October 28, 2022.	Met
3.c.	Based on this analysis, MDCPS will develop a plan within four months of receipt of the Monitor's root cause analysis, in conjunction with the Monitor, to improve the rate of child abuse and neglect among children in foster care. The plan approved by the Monitor shall also include recommended benchmarks and timeframes for implementing the plan, subject to review and approval by the parties.	2/28/2023		MDCPS developed a draft plan within four months of receipt of the Monitor's root cause analysis, as required. The initial draft plan was submitted to the Monitor on December 16, 2022. Between January and April 2023, the Monitor provided written feedback on various drafts of the plan, as well as telephone and in person technical assistance. MDCPS' plan is in final draft status and will be reviewed for final approval by the Monitor by May 23, 2023.	In Process
4. Caseloads					
4.a.	During the Rebuilding Period, MDCPS shall continue measuring caseloads for its frontline caseworkers based on the weighted standards table set forth in § 1.3.a. of the 2 nd MSA.	Monthly	MDCPS submitted monthly caseload data to the Monitor during the reporting period.	MDCPS submitted monthly caseload data to the Monitor during the reporting period.	Met
4.a.1.	By the end of the sixteenth month, 75% of MDCPS caseworkers will have caseloads which do not exceed the caseload standards set forth in § 1.3.a. of the 2 nd MSA.	1/31/2023		The Monitor verified 57 percent of MDCPS caseworkers had caseloads which did not exceed the 2nd MSA caseload standards by January 31, 2023, the end of the sixteenth month of the Rebuilding Period.	Not Met

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4.b.	Defendants shall report to the Monitor and Plaintiffs on a monthly basis as to each subsection of this Section 4.	Monthly	MDCPS provided monthly caseload data to the Monitor through Period 1. The Monitor validated caseload performance for frontline, adoption, and licensure workers, and the Special Investigations Unit for each month of the reporting period. The overall caseload performance for all program types was as follows: 10/31/2021- 53 percent 11/30/2021- 55 percent 12/31/2021- 58 percent 1/31/2022- 57 percent 2/28/2022- 51 percent 3/31/2022- 54 percent 4/30/2022- 50 percent 5/31/2022- 54 percent 6/30/2022- 58 percent 7/31/2022- 57 percent 8/31/2022- 48 percent 9/30/2022- 48 percent	MDCPS provided monthly caseload data to the Monitor through Period 2. The Monitor validated caseload performance for frontline, adoption, and licensure workers, and the Special Investigations Unit (SIU) for each month of the reporting period. The overall caseload performance for all program types was as follows: 10/31/2022- 52 percent 11/30/2022- 57 percent 12/31/2022- 59 percent 1/31/2023 - 57 percent The Monitor also conducted caseload verification interviews by Zoom during Periods 1 and 2 with 166 MDCPS caseworkers in 10 counties: DeSoto, Forrest, Hinds, Jackson, Jones, Lauderdale, Lowndes, Marshall, Pontotoc, and Rankin. The Monitor also interviewed five members of SIU, who work in more than one county. A total of 60 caseworker supervisors attended the interviews and also participated in the discussions. Based on the interviews and data analysis involving thousands of cases statewide, the Monitor concluded that caseload data and information provided by the department accurately reflected MDCPS' caseload performance during the Rebuilding Period.	Met
4.c.	By the end of the Rebuilding Period, MDCPS will develop a plan to provide the Monitor with access to high quality caseload data on a daily basis.	1/31/2023		MDCPS developed a Caseloads Dashboard which allows all MDCPS staff to view and analyze cases assigned to workers and their corresponding caseloads. The dashboard went live on August 26, 2022 and was demonstrated to the Monitor on January 30, 2023. The dashboard shows statewide, regional, and county-level performance against the caseload standards and includes a "date" filter to view performance over the previous 11 days. Additionally, separate pages of the dashboard display the specific caseload service category for each caseworker in the state, a listing of supervisors, the caseworkers who fall under their supervision, and the specific case IDs and case names on the workers' caseloads.	Met

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5. Child Well-Being					
5.a.	Beginning with the thirteenth month, 60% of children shall have an initial medical screening within 7 days of the child's entry into foster care.	2/28/2023		MDCPS reported 69.4% compliance with this commitment. The Monitor reviewed the records of a random sample of 61 children due for an initial medical screening between October 1, 2022 and January 31, 2023. The Monitor found that 33 (54 percent) of the 61 children had an initial medical screening within 7 days of the child's entry into foster care. See <i>Child Well-Being Detail</i> attachment for additional information.	Not Met
5.b./ 5.b.1.	Beginning with the thirteenth month, 75% of children shall have an initial EPSDT or other comprehensive medical examination within 30 days of the child's entry into foster care. If a child has received an EPSDT or other comprehensive medical exam within 7 days of entering foster care, it will count for both the screening and comprehensive medical examination.	2/28/2023		MDCPS reported 76% compliance with this commitment. The Monitor reviewed the records of 61 children due for an initial EPSDT or comprehensive medical examination between October 1, 2022 and January 31, 2023. The Monitor found 25 (41 percent) of the 61 children had an EPSDT or comprehensive medical examination within 30 days of the child's entry into foster care. See <i>Child Well-Being Detail</i> attachment for additional information.	Not Met
5.c.	Beginning with the thirteenth month, 50% of children shall have a dental examination within 90 days of the child's entry into foster care as set forth in § 8.1.e. of the 2 nd MSA.	2/28/2023		MDCPS reported 59.6% compliance with this commitment. The Monitor reviewed the records of 59 children due for an initial dental examination between October 1, 2022 and January 31, 2023. The Monitor found 27 (46 percent) of the 59 children had an initial dental examination within 90 days of the child's entry into foster care. See <i>Child Well-Being Detail</i> attachment for additional information.	Not Met
5.d.	By the end of sixteen months, MDCPS will develop a process, validated by the Monitor, to track periodic and on-going medical examinations and follow-up treatment as set forth in §§ 8.1.c. and 8.1.d. of the 2nd MSA.	1/31/2023		MDCPS timely shared a draft of a process to track periodic and on-going medical examinations and follow up treatment as set forth in §§ 8.1.c. and 8.1.d. of the 2nd MSA. The Monitor provided written feedback and in-person technical assistance regarding the process. MDCPS submitted a revised draft of the process that the Monitor is attempting to validate.	In Process
5.e.	Defendants shall report to the Monitor the performance data as to each subsection of this Section 5, except for §§ 5.d. by February 28, 2023.	2/28/2023		MDCPS submitted performance data as to each required subsection of Section 5 in compliance with the Rebuilding Order.	Met

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7. Monitoring					
7.b.	Public Catalyst shall provide technical assistance to Defendants as set forth herein or as otherwise agreed to by the parties.	Ongoing	The Monitor met several times during the Rebuilding Period with the Commissioner and members of her executive leadership team, individually and collectively, to discuss various action areas in the Rebuilding Order and plans for other department initiatives. The Monitor advised MDCPS on organizational structure considerations; caseload validation and reporting; instituting data-driven decision-making; tracking and documenting child health exams; implementing structured decision-making and other child safety-related operational changes; hiring and retention strategies; and effective team building and leadership development, including providing staff support and requiring staff accountability.	The Monitor met several times during the Rebuilding Period with the Commissioner and members of her executive leadership team, individually and collectively, to discuss various action areas in the Rebuilding Order and plans for other department initiatives. The Monitor advised MDCPS on strategies designed to improve caseload performance, effectively tracking and documenting child health exams, and building more robust processes to support child safety.	Met
7.c.	In addition to the technical assistance set forth herein, the Monitor's duties shall include to independently verify data reports and statistics provided by Defendants during the Rebuilding Period. The Monitor may periodically conduct case record and qualitative reviews to Monitor and evaluate the Defendants' performance and may review all plans and documents to be developed and produced by Defendants during the Rebuilding Period.		During the reporting period, the Monitor independently verified caseload and foster home data reports and conducted qualitative reviews of non-relative foster homes as well as hundreds of case record reviews in support of the screening assessments and MIC root cause analysis required by the Rebuilding Period Order.	During the reporting period, the Monitor independently verified caseload, foster home, and wellbeing data, and conducted qualitative reviews of non-relative foster homes as well as child health examination records required by the Rebuilding Period Order.	Met

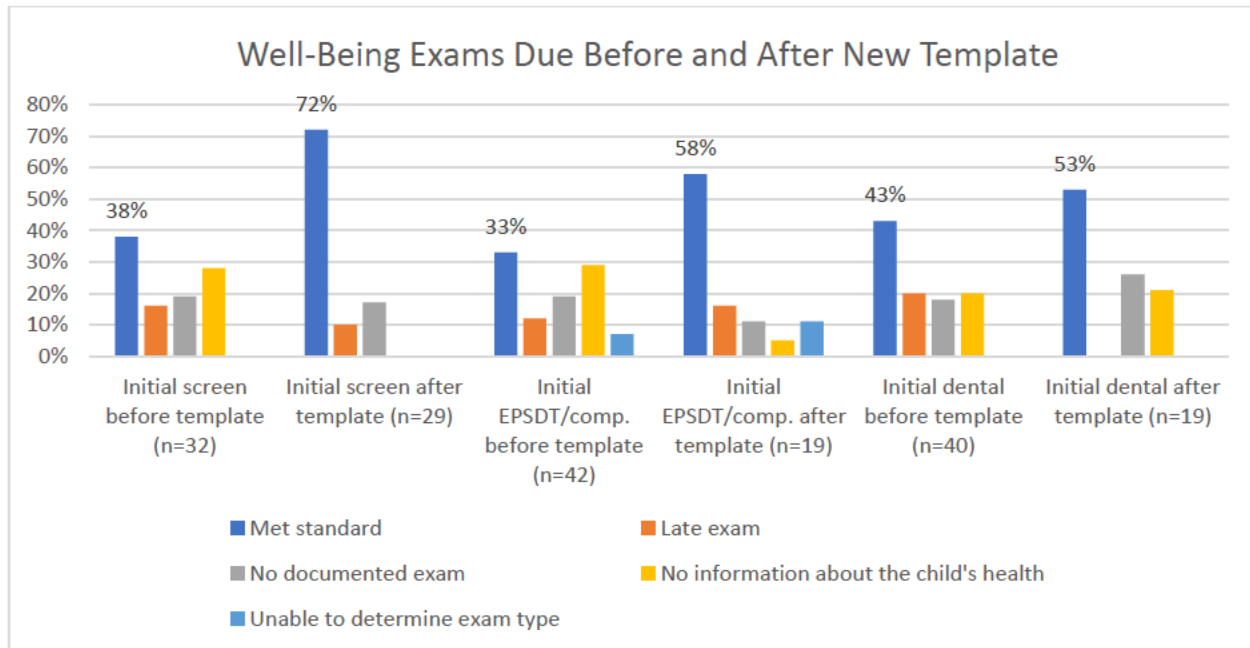
REBUILDING PERIOD ORDER – PERIOD 2 REPORT ATTACHMENT**April 28, 2023*****Child Well-Being Detail***

The Monitor reviewed a sample of cases in which the initial health screen, the initial EPSDT/comprehensive exam, and the initial dental exam were due between October 1, 2022 and January 31, 2023. The chart below shows the number of cases reviewed by the Monitor for each exam type and the percentage of those cases that the Monitor found to be compliant. The chart also shows the total number of cases and the corresponding compliance percentage MDCPS reported for the period.

Examination Type	Monitoring Team Review		MDCPS Reporting	
	Total Cases	Percent Compliant	Total Cases	Percent Compliant
Initial Health Screen	61	54%	585	69.4%
Initial EPSDT/comprehensive Exam	61	41%	556	76%
Initial Dental Exam	59	46%	418	59.6%

MDCPS issued a “Medical Contact Type and Medical Summary Comments Documentation Template” on December 12, 2022. The template was issued “to help guide workers on the appropriate documentation needed to verify that wellbeing is addressed and any recommended follow up occurs.” The template includes a range of information to be documented for each exam, such as transportation details, vital signs, medical findings, medications, and follow up needs and appointments scheduled.

The Monitor analyzed compliance with the well-being standards before and after the template was issued. MDCPS performance on initial screening, initial EPSDT/comprehensive exams, and initial dental exams all improved substantially after the template was issued, as pictured below.

REBUILDING PERIOD ORDER – PERIOD 2 REPORT ATTACHMENT**April 28, 2023**

The Monitor reviewed the examination records using the same standard for compliance it has been using since 2019, counting a documented exam as compliant if there was any documentation about the child's health. The Monitor did not require, during this review, that all of the elements from the new template were documented in order to count an exam as meeting the required standard.

The Monitor did review the extent to which the documentation in MACWIS reflected the template requirements. The chart below reflects the extent to which each element required by the new template was present in the documentation for each initial health screen and each initial EPSDT/comprehensive exam in the review sample that occurred on or after December 15, 2022, when the new template was in place. A total of 35 exams met that criteria. Documentation for dental exams is not included because several of the elements required by the template are not provided at a dental exam.

REBUILDING PERIOD ORDER – PERIOD 2 REPORT ATTACHMENT**April 28, 2023**